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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/845,326 | 05/01/2001 | Ryo Yamaguchi | D-1084 | 2301 |

32628 7590 10/05/2004

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EXAMINER

CHOI, LING SIU

ART UNIT PAPER NUMBER

1713

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/845,326 | Applicant(s) YAMAGUCHI, RYO | |
| | Examiner Ling-Siu Choi | Art Unit 1713 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 1713

DETAILED ACTION

1. Claims 1-5 are now pending, which are drawn to a gel process plate.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenthal et al. (US 4,882, 127) or Saito et al. (US 5,785,835).

The present invention relates to a gel process plate comprising

| | |
|---|---|
| a base member | a plurality of concave portions each having a depth and a bottom surface provided with holes |
| a lid member | a plurality of convex portions each having a height less than the depth of the concave portion of the base member |
| when the base member and the lid member are assembled, a space is defined between each of the bottom surface of the concave portion and each of the top surface of the convex portion to hold a piece therein for processing | |

(summary of claim 1)

Rosenthal et al. disclose a device for solid phase sequencing of nucleic acid sequents comprising (a) **a plurality of sequencing blocks** for storing and processing nucleic acid fragments, each of sequencing blocks including a base block and a plurality of reaction vessels inserted in said base block and corresponding to the number of different nucleic acid fragments to be sequenced; (b) **a plurality of lids** for closing the sequencing blocks, each having a plug-like elevations according to a number and a distribution pattern of the reaction vessels; (c) a sample dosing device for orienting labeled nucleic acid samples from the sequencing blocks onto areas of a carrier matrix in a simultaneous fashion; (d) a plurality of carrier holders for fixing said carrier matrix in a predetermined position during the immobilization of the nucleic acid samples with the sample dosing device; and (e) a punch for simultaneous punching of immobilized and chemically modified nucleic acid samples as the individual carrier segments out of the carrier matrix into the sequencing blocks (claim 1 and all figures).

Saito et al. disclose an electrophoresis gel-matrix layer having two mutually opposite ends for application of an electrophoresis voltage thereto, an exposed major surface extending between the two ends and a plurality of wells in the thickness of the layer opening at the exposed surface, wherein the wells are arranged in a plurality of rows, each extending transversely of the end-to-end direction of the layer, and wherein the wells in successive rows are aligned with each other so as to form columns which are aligned in the end-to-end direction, (claim 1 and all figures).

Art Unit: 1713

Thus, the present claims are anticipated by the disclosure of Rosenthal et al. or Saito et al..

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098. The examiner can normally be reached on Monday to Friday.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L-S Choi
LING-SUI CHOI
PRIMARY EXAMINER

Ling -Siu Choi, Ph.D.

September 27, 2004